

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RALPH WILLIAM McClAIN, JR.,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>DEPUTY MURRY, et al.</b>	:	<b>NO. 08-2940</b>
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 19<sup>th</sup> day of January, 2018, upon consideration of Mr. McClain's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. As Mr. McClain is currently incarcerated at the Curran-Fromhold Correctional Facility, the Clerk of Court is directed to update Mr. McClain's address to 7901 State Rd, Philadelphia PA 19136.
2. Leave to proceed *in forma pauperis* is GRANTED.
3. Plaintiff, Ralph William McClain Jr., #814451, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. McClain, an initial partial filing fee of \$9.33 is assessed. The Warden or other appropriate official at the Curran-Fromhold Correctional Facility or at any other prison at which Mr. McClain may be incarcerated is directed to deduct \$9.33 from Mr. McClain's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 08-2940. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the Curran-Fromhold Correctional Facility or at any other prison at which Mr.

McClain may be incarcerated, shall deduct from Mr. McClain's account, each time that Mr. McClain's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 08-2940.

4. The complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons discussed in the Court's memorandum. Mr. McClain's claims are dismissed with prejudice, with the exception of his First Amendment claim for damages based on his allegation that he was denied religious materials, which is dismissed without prejudice to amendment in accordance with paragraph five (5) of this Order.

5. Mr. McClain is given leave to file an amended complaint within thirty (30) days of the date of this Order with respect to his First Amendment claim for damages. Any amended complaint shall identify all of the defendants in the caption of the amended complaint and shall clearly explain how each named defendant was involved in the violation of Mr. McClain's constitutional rights.

6. The Clerk of Court is directed to send a copy of this order to the Warden of the Curran-Fromhold Correctional Facility.

7. If Mr. McClain fails to file an amended complaint, his case may be dismissed without prejudice without further notice.

**BY THE COURT:**

*/s/ Nitza I. Quiñones Alejandro*

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**NITZA I. QUIÑONES ALEJANDRO, J.**